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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,378	10/25/2000	John Jianhua Chen	S63.2-9503	2980

490 7590 12/22/2004

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

HON, SOW FUN

ART UNIT PAPER NUMBER

1772

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/696,378	Applicant(s) CHEN ET AL.	
	Examiner Sow-Fun Hon	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment to advisory action.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 37, 3-11, 15-20, 22-23, 26 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-26, 31, 33 and 36.

Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Attachment to advisory action.

Advisory Action

1. The proposed amendment will not be entered for the following reasons set forth below.
2. Newly amended independent claim 31 contains the new combination of two limitations “being mounted on a catheter, having a predetermined preinflation length, restricted longitudinal and radial characteristics”, and “the bulk elongation between 50 % and 150 %”. Therefore the proposed new amendment raises new issues that would require further consideration.
3. Applicant’s arguments are directed to the new combination of the two limitations, and are therefore not addressed in this advisory action.
4. The newly proposed claim 37, and claims 3-11, 15-20, 2-23, 26 made dependent on it, would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims. The closest cited prior art WO 95/18647 fails to teach or suggest, even in combination with US 5,248,305, an inflatable medical balloon which is mounted on a catheter, and has a determined preinflation length, restricted longitudinal and radial characteristics, a circumference and a longitudinal axis, composed of a micro-composite material comprising a polymer matrix component with a polymer fibril component distributed in the polymer matrix, the polymer fibril component having micro-fibers oriented substantially parallel or diagonally to the longitudinal axis of the balloon, the polymer fibril component composed of one or more members selected from the group consisting of rigid-rod thermoplastic, semi-rigid rod thermoplastic, and liquid crystal polymer, which are stronger than the matrix material and have bulk elongation between 50 % and 150 %, which is less than the matrix material, and the fibril component and the matrix component operatively adhere to one another.

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Both WO 95/18647 and US 5,248,305, fail to teach that the liquid crystal polymer fibril is stronger than the matrix of the medical balloon, and has bulk elongation between 50 % and 150 % which is less than the bulk elongation of the matrix material, and that the fibril component and the matrix component operatively adhere to one another. Applicant's specification teaches that it is important that the fibril component and the matrix component adhere to one another, and that the bulk elongation be between 50 % and 150 %, in order to restrict the longitudinal expansion of the medical balloon; and that it is desirable for the liquid crystal polymer fibril to be stronger than the matrix (higher tensile strength) in order to avoid fibril core breakage prior to the balloon bursting (page 7, lines 13-22). Liquid crystal polymer is a species of the genus group consisting of rigid-rod thermoplastic and semi-rigid rod thermoplastic.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon.

Sow-Fun Hon

12/21/04

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
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